

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN GARRETT SMITH,

Petitioner,

v.

J COLEMAN,

Respondent.

CASE NO. C20-5319RBL

ORDER

THIS MATTER is before the Court on Magistrate Judge Creatura's Report and Recommendation [Dkt. # 10], recommending denial of Petitioner's motion to amend the §2254 habeas petition, and dismissal with prejudice. Petitioner Smith has objected.

(1) The Report and Recommendation is **ADOPTED**;

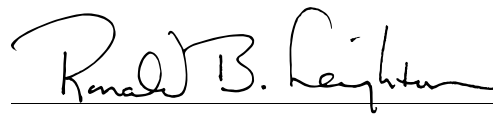
(2) Smith is not given leave to amend the First Petition. His Second Petition (Dkt. 9) is the "functional equivalent" of a second or successive petition. The case is **DISMISSED**.

(3) For the reasons articulated in the R&R, the Court will **NOT** issue a Certificate of Appealability; and

1 The Clerk is directed to send copies of this Order to Petitioner and to the Hon. J. Richard  
2 Creatura.

3 IT IS SO ORDERED.

4 Dated this 12th day of August, 2020.

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7 Ronald B. Leighton  
8 United States District Judge  
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